CLASSIFICATION OFFICE DECISION

Title of publication:	dreamya42
Other known title(s):	Not stated
OFLC ref:	1900038.001
Medium:	Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Waitakere District Court
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	28 February 2019
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	No notice of decision has been issued

Summary of reasons for decision:

The image file depicts a highly sexualised image of a naked young man. The Classification Office has considered whether the subject presents as a young person in terms of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993. While some aspects of their appearance are youthful they do not unequivocally present as a young person to a degree sufficient to meet the high threshold required by this criterion. While they might well be a young person they could equally be a young adult. In the absence of additional elements to encourage the viewer to regard them as a young person it would be unreasonable to conclude that the image promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes. However, the unrestricted availability of the image is still likely to be injurious to the public good. Society perceives harm to children and teenagers from being exposed to such explicitly sexualised nudity before they are developmentally ready to process it. Therefore the image is restricted to adults. The classification interferes with the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990 but is reasonable and justified in order to prevent injury to the public good.